

**Zawitoski, John**

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**Sent:** Wednesday, September 04, 2013 11:21 AM  
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**Subject:** Rustic Roads Guidelines  
**Attachments:** RRAC Guidelines - 20130821 FINAL.doc; RRAC Distribution List for Rustic Roads Program Guidelines.doc; Montgomery County Code Article 8 - Rustic Roads Program.pdf; Montgomery County Executive Regulation 21-96.pdf

Please see below and the attached files

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## RUSTIC ROADS ADVISORY COMMITTEE

August 28, 2013

RE: Rustic Roads Program Guidelines

Dear Sir/Madam:

In 1993, the Montgomery County Council established the Montgomery County Rustic Roads Program in order to preserve the rustic character of the county's rustic and exceptional rustic roads, of which there are now ninety-seven. The Rustic Roads Advisory Committee (RRAC) meets several times a year and provides oversight for the rustic roads program in an advisory capacity. The RRAC has developed a *Guidelines* document to provide a resource for residents, agency staff, developers, utilities, homeowners, and other stakeholders when conducting maintenance, construction, or other activities within or adjacent to a rustic road right of way. These *Guidelines* are intended to supplement *Montgomery County Code (Chapter 49, Article 8)* and *Montgomery County Executive Regulation Number 21-96 – Rustic Roads* (see attached files).

We are writing to request your review and comments on the draft document (attached), *Montgomery County's Rustic Roads Program Guidelines*. The draft *Guidelines* is in Microsoft Word format. Please add any comments using Track Changes mode and save the file with your last name as a prefix in the filename of the document, such

11/15/2013

as: *Smith\_RRAC Guidelines.doc*. If you prefer, you may provide a summation of your comments in an email or mail a hand edited hard copy. **Please provide comments by COB, Tuesday, October 15, 2013.** The comments should be sent to our staff coordinator, Jay Beatty in the Department of Permitting Services at 240-777-6340, [Jay.Beatty@montgomerycountymd.gov](mailto:Jay.Beatty@montgomerycountymd.gov), 255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4166.

Thank you for your consideration and support of Montgomery County's Rustic Roads Program.

Sincerely,



Greg Deaver, Chair  
Rustic Roads Advisory Committee

Committee Members: Angela Butler, Greg Glenn, Robert Goldberg, Christopher Marston, Marc Miller, Eric Spates, Leslie Saville (M-NCPPC)

Attachments:

*Montgomery County's Rustic Roads Program Guidelines*

*Montgomery County Code (Chapter 49, Article 8)*

*Montgomery County Executive Regulation Number 21-96 – Rustic Roads*

Distribution list

**DRAFT**

**Montgomery County's Rustic Roads Program Guidelines**

Montgomery County, Maryland

Prepared by the Rustic Roads Advisory Committee

August 21, 2013

## Montgomery County's Rustic Roads Program Guidelines

This document was prepared by the members of the Rustic Roads Advisory Committee (RRAC). The current (August 21, 2013) members of the RRAC are:

Greg Deaver, Chairman and Engineer

Angela Butler, Farmer/Owner

Greg Glenn, Farmer

Robert N. Goldberg, Civic Association Representative (within the Agricultural Reserve), outgoing

Christopher H. Marston, Rural Preservation

Marc T. Miller, Civic Association Representative (outside of the Agricultural reserve)

Eric Spates, Farmer, Agricultural Advisory Committee representative

Jane Thompson, Civic Association Representative (within the Agricultural Reserve), incoming

Staff coordinator: Jay Beatty, Jr. (DPS)

Non-voting member: Leslie Saville (M-NCPPC)

This document was initiated by Kevin Foster, a committee member, and Sarah Navid, the committee's former staff coordinator. The committee thanks both of them as well as the other committee members, staffers, and supporters who have provided invaluable assistance, including RRAC members Fred Lechluder and Robin Ziek, and Interim staff coordinator Laura Bradshaw.

The Montgomery County Department of Permitting Services provides staff to the RRAC. The committee can be contacted through their Staff coordinator:

Jay Beatty, 240-777-6340, Jay.Beatty@MontgomeryCountyMD.gov

The Maryland-National Capital Park and Planning Commission maintains a website for the Rustic Roads Functional Master Plans, and includes information about RRAC meetings and projects. The Rustic Roads website is:

[http://www.montgomeryplanning.org/community/plan\\_areas/rural\\_area/rustic\\_roads.shtm](http://www.montgomeryplanning.org/community/plan_areas/rural_area/rustic_roads.shtm)

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### **The Basis of the Rustic Roads Program**

In 1993, the Montgomery County Council established the Montgomery County Rustic Roads Program in order to preserve the rustic character of designated County roads. A rustic road is defined in the *Rustic Roads Functional Master Plan* as:<sup>1</sup>

A road within the Agricultural Reserve or adjoining rural areas (areas where the majority of zoning is RDT,<sup>2</sup> RC, or Rural) in Montgomery County, which enhances the rural character of the area due to its particular configuration, alignment, scenic quality, landscaping, adjacent views, or historic interest, and which exemplifies the rural and agricultural landscape of the County.<sup>3</sup>



*The significant features of Mount Ephraim Road include being a ridge road with expansive views and the alignment leading toward Sugarloaf Mountain, seen here.*

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<sup>1</sup> References are given in full in the bibliography (see page 23). All URLs cited in this document are valid as of the date shown above.

<sup>2</sup> Abbreviations are summarized on page 13. Here, the RDT and RC zones refer to the Rural Density Transfer and the Rural Cluster zones.

<sup>3</sup> The 1996 Master Plan definition (p. 3) was taken from what was originally named a “rural road” in the March 1990 Task Force report, *Proposal for a Rural/Rustic Roads Program* (p. 2).

*Montgomery County Code, Chapter 49, Article 8* established the basis for the program and for the Rustic Roads Advisory Committee (RRAC).<sup>4</sup> Following the enactment of the aforementioned code by the Montgomery County Council in 1993, *Montgomery County Executive Regulation Number 21-96 – Rustic Roads* was approved by the County Executive in 1996.<sup>5</sup> This regulation provides guidelines for maintenance and improvements to the County’s rustic roads and is incorporated in the *Code of Montgomery County Regulations (COMCOR) 49.79.01*. Also, in 1996, The Maryland-National Capital Park and Planning Commission (M-NCPPC) adopted a *Rustic Roads Functional Master Plan (RRFMP)* which designated 66 roads in the County as rustic or exceptional rustic roads. Additional rustic roads have been added by area master plans in Clarksburg/Hyattstown, Cloverly, Damascus, Fairland, Great Seneca Science Corridor, Olney, Potomac and Sandy Spring/Ashton. There are now 97 roads that have been designated as either rustic or exceptional rustic roads.



*Comus Road is an example of a Rustic Road with “outstanding farm and rural vistas,” as they are described in the Rustic Roads Functional Master Plan.*

### Criteria

*Montgomery County Code, Chapter 49, Article 8* gives criteria for both rustic and exceptional rustic roads. Specifically, the criteria<sup>6</sup> for a rustic road are:

- The road is located in an area where natural, agricultural, or historic features are predominant, and where master planned land use goals and zoning are compatible with a rural/rustic character;
- The road is narrow and intended for predominantly local use;

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<sup>4</sup> See Appendix 1.

<sup>5</sup> See Appendix 2

<sup>6</sup> Sec. 49-78 (b) and (c). A brief description of each of the criteria for rustic and exceptional rustic roads is found in the 1996 RRFMP, pp. 37-40.

- The road has a low traffic volume that does not detract significantly from the rustic character of the road;
- The road meets at least one of the following criteria:
  - It has outstanding natural features along its borders, such as native vegetation, stands of trees, and stream valleys;
  - It provides outstanding vistas of farm fields and rural landscapes or buildings;
  - It provides access to historic resources, follows historic alignments, or highlights historic landscapes.
- The history of vehicle and pedestrian accidents on the road in its current configuration does not suggest unsafe conditions.



*Martinsburg Road is an Exceptional Rustic Road. The well-preserved one-mile, one-lane concrete section, called a politicians road, is bordered by historic stone fences, and is designated in the Montgomery County Master Plan for Historic Preservation.*

The criteria for an exceptional rustic road are:

- The road is a rustic road;
- It contributes significantly to the natural, agricultural, or historic character of the County;
- It has unusual features found on few other roads in the County;
- It would be more negatively affected by improvements or modifications to the road than would most other roads in the rustic roads program.

Rustic roads are designated by the County Council by approval of a Master Plan or an amendment to it. Most rustic roads are County maintained and many are located on prescriptive rights of way where the underlying land is owned by adjacent property owners. The County operates and maintains these roads within narrowly defined boundaries in order to allow for roadway drainage, signing, mowing, and tree

maintenance. When a property along a rustic road is subdivided, the property owner is required to dedicate a right of way – usually 70 feet total width for a rustic road and 80 feet for an exceptional rustic road. These rights of way allow the County to protect a buffer along the roadside edge in addition to the road itself.



*Rustic roads can have both scenic and historic vistas, as seen here on West Harris Road coming into the town of Barnesville.*

### Rustic Roads Advisory Committee

The Rustic Roads Advisory Committee provides oversight for the rustic roads program in an advisory capacity. The RRAC is comprised of seven voting members appointed for three-year terms by the County Executive and confirmed by the County Council. *Montgomery County Code, Chapter 49, Article 8* charges the RRAC with the following duties:

- Promote public awareness and knowledge of the County rustic roads program;
- Review and comment on classification of rustic roads and exceptional rustic roads;
- Review and comment on Executive Regulations and other County policies and programs that may affect the rustic roads program;
- Report on June 1 of each even numbered year to the Executive, the Council, and the Planning Board on the status of the rustic roads program.<sup>7</sup>

Additionally, per *Montgomery County Code, Chapter 49, Article 8* and *Montgomery County Executive Regulation 21-96*, the Montgomery County Department of Transportation (MCDOT) looks to the RRAC for recommendations regarding matters that affect the County's rustic roads. This includes improvements

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<sup>7</sup> Sec. 49-80 (e)

to rustic or exceptional rustic roads that are subject to the Development Approval Process. *Montgomery County Code, Chapter 49, Article 8* also states: “When the Council classifies a road as a rustic road or an exceptional rustic road, the Council must identify the significant features of each such road that must be preserved when the road is maintained or improved.”<sup>8</sup>

The RRAC meets at least six times per year to review and comment on proposals and to advise the appropriate agencies or parties on matters affecting rustic roads such as capital improvements, new developments, maintenance, road classification, and government policies or programs. The RRAC website is [http://www.montgomeryplanning.org/community/plan\\_areas/rural\\_area/rustic\\_roads.shtm](http://www.montgomeryplanning.org/community/plan_areas/rural_area/rustic_roads.shtm)

Three agencies have primary responsibility for implementation of the rustic roads program in Montgomery County:

- The Montgomery County Planning Department of the Maryland-National Capital Park and Planning Commission (M-NCPPC). The Planning Department evaluates and recommends classification of rustic roads through Master Plans, reviews and approves development proposals along rustic roads, and maintains reference material, maps and a web-page for the program. The Chair of the Planning Board designates a member of the planning staff as a non-voting member of the RRAC.
- The Montgomery County Department of Transportation (MCDOT). MCDOT is responsible for roadway maintenance, traffic control and capital improvements such as bridge replacements. MCDOT also develops and recommends regulations, standards, and policies regarding rustic roads.
- The Montgomery County Department of Permitting Services (DPS). DPS reviews and permits work performed by private developers (e.g., driveways and utilities) within the right-of-way on rustic roads and ensures that significant features are preserved. DPS provides staff support to the RRAC and acts as a liaison for the rustic roads program with the above agencies and the public.

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<sup>8</sup> Sec. 49-78 (d)



*The unpaved section of River Road from Whites Ferry to Edwards Ferry Road is designated as an exceptional rustic road. The open views along the road are a significant feature. The C&O Canal Scenic Byway also follows River Road to Whites Ferry.*

Two other agencies have limited areas of responsibility for rustic roads:

- The Maryland State Highway Administration (SHA). Two state roads are currently designated as rustic roads, namely Beallsville Road, Old Hundred Road (MD 109), and Frederick Road (MD 355) north of MD 109. In addition to these roads, the SHA has established a Maryland Scenic Byways Program which designates historic, cultural and scenic routes along state, local and park roads. Two scenic byways in Montgomery County are partially located along 18 rustic roads. These are the Antietam Campaign Byway and the Chesapeake & Ohio Canal Byway.
- The Montgomery County Department of Parks in the M-NCPPC. The Department of Parks is responsible for maintaining several rustic roads located within County parkland.

### **Program Summary**

The Rustic Roads Program preserves the rustic character of certain County roads.<sup>9</sup> *Montgomery County Code, Chapter 49, Article 8* states “Each rustic road and exceptional rustic road must be maintained and improved in a manner that preserves the road’s significant features which the Council identified under subsection 49-78(d), but this requirement does not preclude improvements to promote safety or movement of farm equipment.”

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<sup>9</sup> RRFMP, p. 3

As stated above, the Rustic Roads Advisory Committee is charged with reviewing and commenting in an advisory capacity on matters that affect the County's rustic roads. In performing these reviews and making comments on proposed activities, the Committee is mindful of its charge from the County Council, of County Code and the Executive Regulations, and of the Rustic Roads Functional Master Plan.

In an effort to aid stakeholders and to improve its ability to provide consistency in its reviews and comments, the RRAC prepared a set of guidelines (see below) that deals with matters pertinent to the County's rustic roads. It is important to recognize the distinction between the words "must" and "should" in reading these guidelines. When an item is required by *Chapter 49, Article 8 of the Montgomery County Code* or by *Montgomery County Executive Regulation 21-96* or by the *Rustic Roads Functional Master Plan*, the word "must" is used and the course of action is automatically set. In essentially all other cases, some degree of subjectivity is necessarily involved, and the RRAC carries out its task by examining how the proposed action affects the impacted rustic road(s). The experience gained by the RRAC in dealing with many types of proposed actions is summarized in the guidelines.

The RRAC is pleased to work with all who are planning activities that impact Montgomery County's rustic roads. Depending upon the type of project, the following items may be useful:

- A description of the project or proposal, including how it affects the road
- Plans
- Photos (preferably uncropped or retouched photos, taken at the equivalent to a 50 to 70 mm focal length in a 35 mm format)
- Neighborhood petitions with a criteria checklist (for those wishing to nominate a road)
- Accident histories
- Balloon tests
- Field staking (for new roads or driveways)
- Sight distance measurements.
- Site visits

The RRAC's staff coordinator places projects on the agenda, schedules site visits when needed, and can provide guidance for which items to provide for individual projects. Submittals should be in both paper and digital formats.

## **Rustic Roads Advisory Committee Guidelines**

### **When to use the Guidelines**

These guidelines should be consulted by anyone involved in planning, engineering, inspecting, or implementing any work within, adjacent to, or in the vicinity of the right-of-way of Montgomery County's rustic and exceptional roads. The Rustic Roads Advisory Committee must advise the County Department of Transportation regarding the significant features of these roads that must be preserved

when the roads are maintained or improved, or when a public utility completes work on or near the roads. (*Montgomery County Code, Chapter 49, Article 8*). This includes work on:

- New access points, e.g., streets and driveways
- Bridge replacements or alterations
- Guardrail installation
- Resurfacing
- Drainage reconstruction
- Lighting
- Special exception and mandatory referral filings
- Proposed improvements
- Major maintenance
- Tree maintenance
- Utility work

### **Approach to Work**

Much like the Maryland Scenic Byways program (see Bibliography), the basic approach to work along a rustic or exceptional rustic road is to identify roadway characteristics, significant features and scenic views, and to determine appropriate actions to preserve, maintain and enhance these features.

### **General Principles**

The rustic roads designation is not intended to keep the roads static. It does not prevent improvements to adjoining land or to the roads and bridges themselves. Maintenance on these roads is not to be neglected. Nor are improvements to promote safety or the movement of farm equipment precluded. Rather, reasonable care is to be taken to keep the roads compatible and in character with their agricultural and/or rural community and to protect the significant features that led to their designation.

#### **Preserve significant features and limit modifications**

When a road is classified as rustic, the County Council has identified the significant features of the road deemed to be outstanding and worthy of note that *must be preserved*. These significant features include, but are not limited to, stone walls, tree canopy, the view of a historic house, the road alignment, the road surface, hedgerows, etc. Also, particularly interesting and beautiful vistas from the road are identified as scenic views. These may include open views to Sugarloaf Mountain or shorter views to farm fields and stream valleys. The significant features for each road are identified in the RRFMP.

Physical modifications to roads are discouraged. However, they may be allowed when needed to provide adequate safety, to reduce maintenance problems, to accommodate farm equipment, or to achieve adequate sight distance. Physical improvements such as widening, adding guardrails or asphalt curbs, removing trees or foliage, or changing the vertical and horizontal geometry should be reviewed by the RRAC.



*Proper maintenance of the historic concrete sections of the politicians' road along Sugarland Road has helped protect this 1930s era pavement.*

#### **Maintain the roadway character**

Maintenance of these roads should seek to maintain the roads' rustic character and features. For example, maintenance of the concrete sections along Martinsburg and Sugarland Roads has been tailored to assure the longevity of these roads.

#### **Enhance the roadway character**

When a modification along a rustic road is proposed, consideration should be given to actions that can complement or enhance the road's character such as using a gravel driveway instead of a paved driveway on an exceptional rustic road, replacing a galvanized guardrail with a timber guardrail, or removing excess pavement.

#### **Share the road**

Bicyclists, horseback riders and hikers often share these roads with residents, farmers, tourists, and commuters in cars, trucks and farm machinery. These are working roads which should function safely while preserving the rustic character of the roads for the use and enjoyment of all of the users on them.

## Design Guidelines

The character of each rustic road is as individual as the history of each one and the landscape it travels through. The following guidelines are broken down in three parts according to location: The Roadway, The Edge, and The Land Beyond.

### 1. The Roadway

#### 1.a. Alignments and geometry

The natural topographic characteristics of the roadway and how it fits into the landscape should be preserved to the maximum extent practical. Where documented safety problems are of a magnitude to justify changing the vertical or horizontal geometry, design techniques and materials must be compatible with adjacent unaltered portions of the road. Relocated sections must be designed to maintain compatibility with the connecting road segments and in general, should have similar width and surface.



*The gravel surface on West Harris Road near the town of Barnesville maintains the character of this historic farm wagon road.*

#### 1.b. Roadway surface

Some exceptional rustic roads have surfaces that are significant features. These include the type of pavement (i.e., gravel), single-lane concrete and, on one road, a water ford. These roadway surfaces must be preserved in so far as is possible and reasonable. However, preservation is not intended to mean inaction, but rather that maintenance or restoration techniques must respect the intrinsic nature of the road. Ideally, portions of concrete ribbon road that have been paved over with asphalt would be uncovered and restored. Periodic grading and dust suppression techniques are required for unpaved surfaces. Most rustic roads have been paved with asphalt over the years and require periodic

maintenance. The recently used chip-seal treatment provided a more rustic appearance than smooth-seal asphalt, but good installation methods are needed to avoid loose gravel.

When roadways are resurfaced, care must be taken not to indiscriminately widen the road. If a roadway has been inadvertently widened beyond the widths recorded as roadway features in the RRFMP, the excess pavement should be removed so as to maintain the rustic character of the road and to avoid creating drainage problems from additional impervious area.

Where concrete roadways have deteriorated, repairs should be made. Full replacement of the concrete roadway should only be undertaken as a last resort when repairs cannot feasibly be made. The concrete portion of Martinsburg Road is designated in the Master Plan for Historic Preservation; any proposed alterations are subject to review and approval by the Historic Preservation Commission. Contact historic preservation staff early in the planning process to discuss project scope of work.

#### 1.c. Pavement cutting and utility work

Repair and restoration of a rustic road must be made to all damaged pavement and edges within the public right of way. These repairs must be made in accordance with the approved plans and as directed by Montgomery County's Department of Permitting Services.



*This replacement bridge at Mouth of Monocacy Road over the CSX railroad follows the profile of a pony truss, and is sympathetic to its rustic surroundings.*

#### 1.d. Bridges and culverts

Any improvements of bridges on rustic roadways must be done in such a way as to preserve or enhance the character defining features of the structure. When possible, rehabilitation of the bridge is preferred over replacement. Railings that have deteriorated should be stabilized or rebuilt with elements of the same appearance. A rustic design such as steel-backed timber guardrails may also be appropriate.

To the extent feasible, bridge rehabilitation should attempt to maintain or replicate the scale and character of the existing bridge or culvert that is visible from the roadway.

If a bridge or small structure is considered a significant feature of the rustic road, it should be preserved through maintenance and repair. When a bridge must be replaced, compatibility can be achieved by replacing the structure with a similar design so that the scale and materials are similar to the previous structure. If, however, the existing bridge is of a style that detracts from the road character, or environmental, economic or safety reasons require a different design, a replacement bridge can enhance the rustic road by selecting a design that complements the rural or historic landscape.

The width of the bridge deck and the approach road geometrics on replacement bridges on rustic roads must accommodate emergency vehicles and farm equipment but should be compatible with the existing roadway width. On exceptional rustic roads, the new bridge deck width must be no wider than the existing deck unless necessary for farm equipment. In this case the bridge deck should not be wider than the existing approaches.

Bridge abutments visible from the road or from trails below the road should be designed to be visually compatible with the rock types and soil color of the adjacent stream bank or other embankment.

#### 1.e. Grading and drainage

With few exceptions, rustic roads do not have engineered drainage ditches. Generally, storm water flows across the adjacent land and infiltrates naturally. However, adequate drainage is vital for the maintenance and safety of the road. Thus, grading and drainage should be undertaken in a manner that reinforces the existing character of the roadway. Precisely engineered swales or slopes should be avoided on rustic roads. Where improvements are required, drainage swales or slopes should look like they are a part of the natural landscape. In doing this, paving should be avoided. Where curbing is needed to direct roadway drainage, asphalt rather than concrete should be used.

#### 1.f. Driveways and intersections

See section 2.a. below.



*Subtle, brown signs fit with the character of this section of Martinsburg Road near Wasche Road.*

#### 1.g. Signs and markings

Signs and markings must follow the *Manual on Uniform Traffic Control Devices* (MUTCD). However, a practice of “the least control is the best control” should be followed so that sign clutter does not overwhelm the visual character of the natural landscape. Where the average daily traffic is less than 400 vehicles per day, signs and markings should follow the guidelines in part 5 (“Traffic Control Devices for Low Volume Roads”) of the MUTCD. The minimum sign sizes should be used whenever possible. Brown signs with white lettering, such as the 2012-approved street name signs on rustic roads, and the Adopt A Rustic Road signs, fit the character of rustic roads. The color of the sign posts and the back of signs should also be compatible with the rural environment.



*A brown trail sign for Browning Run Trail in Little Bennett Park.*

### 1.h. Bikeways

Due to their low volume of traffic and scenic nature, the rustic roads are very popular for bicyclists, who often ride in groups or in clubs who prefer a long distance network. This is reflected in the Countywide Bikeways Functional Master Plan which designates several rustic roads as signed shared roadways.<sup>10</sup> Bicycle use of the rustic roads should be encouraged and protected as it provides an excellent way to enjoy the beauty of the Agriculture Reserve.

All users need to recognize that bicycles are a legitimate roadway vehicle and understand how to properly share the road with cyclists. Bicyclists have rights-of-way and the same duty to obey traffic signals as motorists. But bicycles are less visible, quieter, and don't have a protective barrier around them. The driver of a vehicle passing another vehicle, including a bicycle, must pass at a safe distance and leave plenty of space. The driver must be able to see the vehicle that has been passed in the rear view mirror before returning to the original lane. After passing, the driver must make certain that his vehicle is clear of the bicyclist before making any turns. The driver of a vehicle must not pass any closer than three (3) feet to a bicycle.<sup>11</sup>

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<sup>10</sup> [http://www.montgomeryplanning.org/transportation/bikeways/A\\_A/contents.shtm](http://www.montgomeryplanning.org/transportation/bikeways/A_A/contents.shtm)

<sup>11</sup> <http://www.mva.maryland.gov/Driver-Safety/Bicycle/default.htm>

The needs of bicyclists should be considered when making alterations or improvements to rustic roads. Countywide bikeway routes should be signed to guide cyclists and to alert other users to their presence, and warning signs should be placed in areas where conflicts are observed.

#### 1.i. Curbs and gutters

Concrete curbs and gutters are inappropriate on rustic roads. However, where sections of concrete barrier curb are required, such as to protect a sidewalk, the color of the concrete should blend well with the surrounding environment.

#### 1.j. Auxiliary lanes

The land use associated with rustic roads would typically not generate traffic volumes that would justify deceleration, acceleration, or separate turn lanes. These additional lanes should never be provided on exceptional rustic roads. On rustic roads, auxiliary lanes may be considered in unique situations only if justified by a traffic safety study approved by MCDOT.

#### 1.k. Shoulders

Shoulders should be composed of turf or gravel. Where required for safety or to prevent erosion, minor paving may be considered.

### **2. The Edge**

#### 2.a. Driveways and intersections

The number of new driveways and intersections should be minimized. They must be sited to avoid disturbance to significant features and trees and mature hedgerows. Driveways should be consolidated where possible. Shared driveways that serve a number of homes are preferred over public streets as they are significantly narrower and create less visual intrusion. Driveway widths should typically be in the range of ten to 12 feet. For shared driveways where the fire marshal requires a wider width (20 feet), care must be taken to site or screen the driveway so it has the least visual impact on the road.

Sight distances for new driveways, intersecting roadways and safety improvements must meet the minimum standards recommended by AASHTO. While the minimum sight distance is 150 feet, a greater length may be required based on actual roadway operating speeds. In order to preserve the rustic character of the road, trees and other features altered to provide safe sight distances may need to be restored outside the line of sight.

In general, most driveways will be asphalt. However, gravel driveways are permitted on exceptional rustic roads where existing adjacent or nearby driveways are gravel. Also, special paver driveways may be allowed.



*Steel-backed timber guardrail used on the Mouth of Monocacy Bridge.*

### 2.b. Guardrails

Less visually intrusive guardrails, such as those made of steel-backed timber, are recommended along rustic roads, rather than galvanized metal guardrails.

### 2.c. Signs in the right-of-way

See section 1.g above (“Signs and markings”).

### 2.d. Speed cameras, utility boxes, etc.

The visual impact of traffic related devices (e.g., speed cameras, utility boxes, etc.) or other equipment that are installed on rustic roads should be reduced by specifying dark colors for the equipment.

### 2.e. Pedestrians and hikers

There are few sidewalks along rustic roads, so pedestrians and hikers use grass shoulders or the edge of the pavement. These users should walk facing traffic, and drivers should be watchful for their presence.

Adding new paved sidewalks or trails along rustic roads is not consistent with the County’s Context Sensitive Road Design Standards; however, there may be locations where natural surface trails along the road would be appropriate.<sup>12</sup> Any such proposal should be referred to the RRAC for review.

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<sup>12</sup> [http://www.montgomeryplanningboard.org/agenda/2008/documents/20080918\\_attachments\\_road\\_code.pdf](http://www.montgomeryplanningboard.org/agenda/2008/documents/20080918_attachments_road_code.pdf)



*Horses, pedestrians, bicyclists, and farm equipment all share the rustic roads with automobiles and trucks.*

#### 2.f. Equestrian users and equestrian trail crossings

Horses have the right of way. Equestrian trail crossings on rustic roads should be well marked. Signs should be in accordance with section 1.g (“Signs and markings”). The road edge and shoulder should be in accordance with the section on “Road edge and shoulders” (in section i below).

#### 2.g. Parking

Rustic roads are generally too narrow to allow parking but it can be allowed where safe. Small pull-off areas (not parallel) for parking, such as a stabilized, gravel area, may be appropriate at trail heads, scenic views, or historic sites. The RRAC will review requests on a case-by-case basis.

#### 2.h. Street trees

Trees along rustic roads should reflect the rural and agricultural nature of the area. On some rustic roads, formal hedgerows were planted many years ago, and they have matured into distinctive features of the roads. The most common ones are rows of Eastern Red-cedars (our native *Juniperus virginiana*). Native locust and sycamore trees have also been planted.

At the time of subdivision, planting trees along the road may be required. Formal hedgerows, such those described above, may be provided, or informal clumps of native trees may be plants. Lower-growing trees should be planted in the presence of overhead power lines. MCDOT maintains a list of approved street trees, and the RRAC is available for review of plant selection and planting designs.



*Eastern red cedar hedgerows have traditionally been planted along many roads (Hughes Road is shown above).*



*Hedgerows and tree canopy along West Harris Road.*

### 2.i. Informal hedgerows

Many rustic roads are characterized by sections lined by informal hedgerows, often along a fence line or field edge. While there are some well-maintained hedgerows as discussed above, many are simply an over-growth of young trees, vines and invasive plants that have grown through neglect and lack of

maintenance. A distinction should be made between hedgerows by design and hedgerows by neglect. The overgrowth along a road often creates an impenetrable visual barrier between the rustic road and the agricultural/historical elements that give the road its character – views of farm fields, scenic vistas and historic buildings. The overgrowth also creates driving impediments, particularly to farm vehicles. Hedgerows with mature trees should be preserved where possible, while those with damaging vines or invasive plants should have undesirable vegetation removed.

#### 2.j. Maintenance of roadside foliage and trees

In order to protect the natural beauty of Montgomery County’s rustic and exceptional rustic roads, the RRAC recommends the following:

Significant features. Where roadside foliage and trees are listed as significant features of a rustic road, they should be maintained in good condition, and consideration should be given to enhancing the feature.



*The mature woodlands on Davis Mill Road are a significant feature of the road.*

Road edge and shoulders. Grass mowing and foliage removal may be performed within six feet of the edge of pavement or 16 feet from the centerline of the road for roads less than 20 feet in width, within prescriptive easements. Maintenance activity should protect desirable vegetation adjacent to a rustic or exceptional rustic road.

Desirable vegetation. Forests, established natural fence lines and mature hedgerows should be preserved, even if there are non-native species intermixed. Invasive species are generally not considered to be desirable vegetation. Designated noxious weeds must be managed.

Tree canopy. The tree canopy should remain as undisturbed as possible while permitting the passage of cars and light trucks. On roads where the movement of farm equipment necessitates it, limbs and overhanging foliage should be trimmed up to a height of 16 feet measured at the edges of the pavement.

Tree removal. Removal of trees not dead or diseased should be reserved only for safety reasons.

Evergreens. Avoid single-sided maintenance where unnatural forms are created.

Utility pruning and removal of trees and vegetation. Pruning of utility lines along rustic roads should be done selectively, while preserving the character of the roads, as well as their significant features. Pruning should be done in accordance with International Society of Arboriculture Best Management Practices and this section on Maintenance of roadside foliage and trees.<sup>13</sup> The pruning should leave no foot print and all debris should be removed. All obsolete utility poles should be removed as soon as possible.

Notification. The RRAC should be notified at least 30 days in advance of routine or utility maintenance on a rustic road, or maintenance scheduled to address safety issues such as sight distance. This will allow the committee time to offer guidance on desirable vegetation features for the specific road. The DPS staff member who supports the RRAC should be contacted (see inside front cover).

Priorities. Roads needed for the passage of farm equipment should receive maintenance on a priority basis. The RRAC will provide a list of these roads upon request.

### **3. The Land Beyond**

#### **3.a. Views and vista**

The Purpose clause for the Rustic Roads Program reflects the importance of the scenic quality of the rustic roads: “This Article establishes a program to preserve as rustic roads these historic and scenic roadways that reflect the agricultural character and rural origins of the County.”<sup>14</sup>

Although there are a variety of views and vistas from the many Rustic Roads, their natural features, viewsheds, farms, historic landmarks, and other important features serve to define the nature of a rustic road. Within the context of specific parameters set by these design guidelines, the viewshed should be preserved to the greatest extent possible. Furthermore, any proposed plans, such as radio towers, commercial buildings, and others, should strongly consider the integrity of the historic viewshed, as any disturbance or breakup of such viewsheds significantly impacts the value and significance of the rustic roads that are affected.

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<sup>13</sup> *Best Management Practices: Utility Pruning of Trees*. ANSI A300. International Society of Arboriculture, Champaign, IL. 2004.

<sup>14</sup> Montgomery County Code, Chapter 49, Article 8. Rustic Roads Program, Sec. 49-76. Purpose.



*The historic wall and the fences and entry features along Martinsburg Road contribute to the character of the road; they are within the recommended 80-foot right of way.*

### 3.b. Walls, fencing and mailboxes

Walls and fences along rustic roads are typically private and, where a right of way has been dedicated, they should, in general, be located outside the right of way. New walls and fences should be consistent with the scale and character with those generally found on a rustic road.

Mailboxes are regulated by the United State Postal Service and by the Department of Permitting Services.<sup>15</sup> The County Code requires that they be mounted on a support that will bend or break away on impact by a vehicle. Due to both safety and aesthetic considerations, monumental mailboxes are inappropriate on rustic roads.

### 3.c. Entry signs or features

Subdivision identification signs or similar features are generally not in keeping with the character of rustic roads. If one is needed because a street sign cannot be seen, the RRAC will review the proposed design. There should be no illumination of signs or features.

### 3.d. Private signs

Signage should be consistent with the character of the roads and not detract from their rustic nature. Signs should not be lighted.

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<sup>15</sup> <https://www.usps.com/manage/know-mailbox-guidelines.htm>



*A wooden sign marks a farm on River Road near Whites Ferry.*

### 3.e. Screening

Typically the rights of way along rustic roads should remain undisturbed and in their natural state except for drainage, maintenance, tree maintenance, mowing, or clearing of overgrowth. However, in some circumstances, it may be desirable to require the planting of additional trees or shrubs to provide for the screening of new or modified development. In these cases, the use of typical street trees with regular spacing is generally out of character with the rustic road. Instead, native trees and shrubs grouped naturalistically may be more appropriate. Native trees from the MCDOT-approved tree list are usually preferred by the RRAC.<sup>16</sup>

### 3.f. Cell towers, windmills, and wind turbines

In order to maintain the rural nature of a rustic road, the location of cell towers, windmills and wind turbines need to be evaluated relative to their location to a rustic road.

The Rustic Roads Advisory Committee reviews proposed cell tower, windmill and wind turbine locations to assess their impact on the rustic character of the road and potential impact on views. Suggested locations include those where these structures cannot be seen from the rustic road or are only partially visible. Additionally, using existing structures or using designs that allow these structures to blend into the environment is preferred.

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<sup>16</sup> <http://www.montgomerycountymd.gov/DOT-Highway/Tree/index.html>

## Abbreviations

AASHTO	American Association of State Highway and Transportation Officials
COMCOR	Code of Montgomery County Regulations
DPS	Department of Permitting Services
MCDOT	Montgomery County Department of Transportation
M-NCPPC	The Maryland-National Capital Park and Planning Commission
MUTCD	Manual on Uniform Traffic Control Devices
RRAC	Rustic Roads Advisory Committee
RRFMP	Rustic Roads Functional Master Plan
SHA	Maryland State Highway Administration

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## **Appendices**

Appendix 1: Chapter 49, Article 8 of the Montgomery County Code

Appendix 2: Montgomery County Executive Regulation 21-96

## **Distribution List for Rustic Roads Program Guidelines:**

### County Council

Nancy Navarro, President

Glenn Orlin, Deputy Staff Director

### MCDOT

Arthur Holmes, Jr, Director

Bruce Johnston, Transportation Engineering Chief

Emil Wolanin, Traffic Engineering and Operations Chief

Keith Compton, Highway Services Chief

Brett Linkletter, Tree Maintenance Chief

Randy Paugh, Pavement Management Chief

### MCDPS

Diane Schwartz Jones, Director

Rick Brush, Land Development Services, Chief

Atiq Panjshiri, Right of Way Plan Review

Laura Bradshaw, former RRAC staff coordinator

Jay Beatty, RRAC staff coordinator

### MNCPPC

Francoise Carrier, Chair

Gwen Wright, Director

Mary Bradford, Parks Director

Larry Cole, Functional Planning

Callum Murray, Area 3

Leslie Saville, Area 3

Scott Whipple, Historic Preservation

### Other

Jeremy Criss, Agricultural Advisory Committee, AAC staff (Ag Services Div.)

John Zawitoski, Agricultural Preservation Advisory Board APAB staff (Ag Services)

Sarah Navid, former RRAC staff coordinator

Kevin Foster, former RRAC Chair

Dan Prats, Town of Laytonsville

Jim Brown, Town of Poolesville

Luke Fedders, Town of Barnesville

Lonnie Luther, Farm Bureau

Caroline Taylor, Executive Director, Montgomery Countryside Alliance

Jim Humphrey, Planning and Land Use Committee, Montgomery County Civic Federation

West Montgomery County Citizens Association

Barbara Falcigno, Greater Olney Civic Association

Meg Pease-Fye, SEROCA

Charles Tilford, Greater Goshen Civic Association

Kathie Hulley, Clarksburg Civic Association

Jim Choukas-Bradley, Sugarloaf Citizens Association

Other continued:

Chris Arndt, Boyds Civic Association

Lorraine Pearsall, Montgomery Preservation

Maureen O'Connell, President, Historic Medley

Peg Coleman, Sugarloaf Regional Trails

Shane Farthing, Executive Director, Washington Area Bicyclist Association

Denise Cohen, Executive Committee Member, Potomac Pedalers

Anne Davies, Potomac Hunt Club

Liz Lavine, Goshen Hunt Club

Harry A. Bauer, Sugarloaf Riding Club



**ARTICLE 8. RUSTIC ROADS PROGRAM.\***

**Sec. 49-76. Purpose.**

This Article authorizes the identification and classification of rustic roads in that part of the County located in the Maryland-Washington Regional District. This Article establishes a program to preserve as rustic roads those historic and scenic roadways that reflect the agricultural character and rural origins of the County. Preservation of rustic roads must be achieved by retaining certain physical features of rustic roads and by certain right-of-way maintenance procedures. (1993 L.M.C., ch. 9, § 1; 2007 L.M.C., ch. 8, § 1.)

**Sec. 49-77. Definitions.**

In this Article, the following terms have the meanings indicated:

*Committee* means the Rustic Roads Advisory Committee.

*Exceptional rustic road* means an existing public road or road segment which is so classified under Section 49-78.

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\*Editor's note—Article 8, formerly Article VII, §§ 49-76—49-80, was added by 1993 L.M.C., ch. 9, § 1. Sections 3 and 4 read as follows:

*Sec. 3. Initial appointments to Advisory Committee.*

“Of the members first appointed to the Rustic Roads Advisory Committee, 2 must be appointed for 1-year terms, 2 must be appointed for 2-year terms, and 3 must be appointed for 3-year terms.”

*Sec. 4. Interim protection of roads.*

“(a) This Act applies to the roads identified on Exhibit A [printed at the end of this article] as rustic roads and exceptional rustic roads as if the County Council had so classified the roads under Section 49-78.

“(b) The Rustic Roads Advisory Committee must advise the County Department of Transportation regarding the significant features of these roads that must be preserved when the roads are maintained or improved, or when a public utility completes work on or near the roads. These significant features have the same status as those identified by the County Council under Section 49-78.

“(c) The County Council may add or delete all or part of a road from the list on Exhibit A by resolution after a public hearing if:

“(1) the County Executive asks the Council to delete a road from the list so that the road can be maintained or improved in a manner not permitted by this Act;

“(2) the Rustic Roads Advisory Committee asks the Council to add or delete a road from the list;

or

“(3) a public utility asks the Council to delete a road from the list so that the public utility can complete work along the road in a manner not permitted by this Act.

“(d) This Section is not effective after December 31, 1996.”

*Master Plan of Highways* means the Master Plan of Highways Within Montgomery County, an amendment to the General Plan for the Physical Development of the Maryland-Washington Regional District.

*Public utility* means any private company or public agency that is regulated as a public utility under state law, or otherwise provides water, sewer, electric, gas, telephone, or cable service (as defined in Chapter 8A) in the County.

*Rustic road* means an existing public road or road segment which is so classified under Section 49-78. (1993 L.M.C., ch. 9, § 1; 2007 L.M.C., ch. 8, § 1.)

**Sec. 49-78. Rustic road classification and reclassification.**

- (a) *Classification.* The County Council may classify, reclassify, or revoke the classification of an existing public road or road segment as a rustic road or an exceptional rustic road by approving an amendment to the Master Plan of Highways and the relevant area Master Plan.
- (b) *Criteria for rustic road.* Before classifying a road as rustic, the Council must find that an existing public road or road segment:
- (1) is located in an area where natural, agricultural, or historic features are predominant, and where master planned land use goals and zoning are compatible with a rural/rustic character;
  - (2) is a narrow road intended for predominantly local use;
  - (3) is a low volume road with traffic volumes that do not detract significantly from the rustic character of the road;
  - (4)
    - (A) has outstanding natural features along its borders, such as native vegetation, stands of trees, stream valleys;
    - (B) provides outstanding vistas of farm fields and rural landscape or buildings; or
    - (C) provides access to historic resources, follows historic alignments, or highlights historic landscapes; and
  - (5) the history of vehicle and pedestrian accidents on the road in its current configuration does not suggest unsafe conditions.

The Council must not classify a road as rustic if that classification will significantly impair the function or safety of the road network.

- (c) *Criteria for exceptional rustic road.* The Council may classify an existing public road or road segment as an exceptional rustic road. Before classifying a road as an exceptional rustic road, the Council must find that the road or road segment:
- (1) qualifies as a rustic road under subsection (b);
  - (2) contributes significantly to the natural, agricultural, or historic characteristics of the County;
  - (3) has unusual features found on few other roads in the County; and
  - (4) would be more negatively affected by improvements or modifications to the physical characteristics of the road than would most other roads in the rustic roads program.
- (d) *Significant features.* When the Council classifies a road as a rustic road or an exceptional rustic road, the Council must identify the significant features of each such road that must be preserved when the road is maintained or improved. (1993 L.M.C., ch. 9, § 1; 1996 L.M.C., ch. 31, § 1; 2007 L.M.C., ch. 8, § 1.)

**Sec. 49-79. Maintenance and improvements.**

- (a) *County roads.* Each rustic road and exceptional rustic road must be maintained and improved in a manner that preserves the road's significant features which the Council identified under subsection 49-78(d), but this requirement does not preclude improvements to promote safety or movement of farm equipment. The County Executive must establish guidelines by regulation under method (2) for maintenance and improvement of rustic roads and exceptional rustic roads.
- (b) *State and park roads.* The Executive must encourage the State Highway Administration and the County Parks Department to maintain and improve rustic roads owned by the State or Park Commission in a manner consistent with this Article.
- (c) *Public utilities.* Public utility work on or near a rustic road or exceptional rustic road is limited by this Article only when the work will damage a structure identified as a significant feature of the road which the Council identified under subsection 49-78(d). Each public utility must make all reasonable efforts to limit irreparable damage to any significant feature when working on or near a rustic road or exceptional rustic road.
- (d) If this Article conflicts with Chapter 24A, Chapter 24A prevails. (1993 L.M.C., ch. 9, § 1; 1996 L.M.C., ch. 31, § 1; 2007 L.M.C., ch. 8, § 1.)

**Sec. 49-80. Rustic Roads Advisory Committee.**

- (a) *Membership.* The County Executive must appoint, subject to confirmation by the County Council, a Rustic Roads Advisory Committee. The Committee has 7 voting members. Each member must be a resident of the County. The Executive should appoint:
- (1) 3 members who are owner-operators of commercial farmland earning 50 percent or more of their income from farming, one of whom is a representative of the Agricultural Advisory Committee;
  - (2) one member who knows rural preservation techniques through practical experience and training;
  - (3) one member who knows roadway engineering through practical experience and training;
  - (4) one member who represents civic associations located in the Agricultural Reserve; and
  - (5) one member who represents civic associations in areas located outside the Agricultural Reserve where there are rustic roads.
- The Chairman of the Planning Board must designate a member of the planning staff as a non-voting Committee member.
- (b) *Officers.* The Committee must elect a chair annually. The Committee may select other officers annually as it finds appropriate. A member must not serve as chair for more than 2 consecutive years.
- (c) *Meetings.* The Committee must meet at the call of the chair as often as required to perform its duties, but at least 6 times each year. The Committee must also meet if two-thirds of the voting members request in writing that a meeting be held. The Chair must give reasonable advance notice of all meetings to members of the Committee and the public. A majority of the members are a quorum to transact business.
- (d) *By-laws.* The Committee may adopt by-laws to govern its activities.
- (e) *Duties.* The Committee must:
- (1) promote public awareness and knowledge of the County rustic roads program;
  - (2) review and comment on classification of rustic roads and exceptional rustic roads;

- (3) review and comment on Executive Regulations and other County policies and programs that may affect the rustic roads program; and
- (4) report on June 1 of each even numbered year to the Executive, the Council, and the Planning Board on the status of the rustic roads program.
- (f) *Staff.* The Chief Administrative Officer must provide the Committee with staff, offices, and supplies as are appropriated for it. (1993 L.M.C., ch. 9, § 1; 1996 L.M.C., ch. 31, § 1; 1998 L.M.C., ch. 1, § 1; 2007 L.M.C., ch. 8, § 1.)

**Editor's note**—1998 L.M.C., ch. 1, § 1, reads as follows:

“Notwithstanding Section 49-80(a) of the County Code, the County Executive may reappoint to the Rustic Roads Advisory Committee, subject to confirmation by the County Council, any at-large member of the Committee appointed before January 1, 1997, who otherwise may be precluded from reappointment because of the specific requirements of that subsection.”

## ARTICLE 9. PEDESTRIAN AND TRAFFIC SAFETY ADVISORY COMMITTEE.

### Sec. 49-81. Pedestrian and Traffic Safety Advisory Committee.

- (a) *Definition.* In this Section “Committee” means the Pedestrian and Traffic Safety Advisory Committee.
- (b) *Established.* The County Executive must appoint, subject to confirmation by the County Council, a Pedestrian and Traffic Safety Advisory Committee.
- (c) *Composition and terms of members.*
  - (1) The Committee has 17 members.
  - (2) The Executive must appoint a representative from each of the following departments as members:
    - (A) the Police Department;
    - (B) the Department of Public Works and Transportation; and
    - (C) one of the Regional Services Centers.
  - (3) The Executive must invite a representative from each of the following agencies to serve as members:
    - (A) the County Council;



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> RUSTIC ROADS	<b>Number</b> 21-96
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION	<b>Effective Date</b> November 26, 1996

Montgomery County Regulation on:

MAINTENANCE AND IMPROVEMENTS TO RUSTIC ROADS  
AND EXCEPTIONAL RUSTIC ROADS

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Issued by: County Executive

Regulation No: 21-96

Authority: Code Section 49-79

Supersedes: No prior regulation

Council Review: Method (2) under Code Section 2A-15

Register Vol. 13 , No. 7

Effective date: November 26, 1996

**SUMMARY:** This regulation provides detailed guidelines for procedures to be followed when maintenance or roadway improvements are needed within the right-of-way of a road designated as rustic or exceptional rustic under Montgomery County Code, Chapter 49, Article VII, Rustic Roads.

**ADDRESS FOR COMMENTS:** John Clark, Director, Office of Project Development  
Department of Public Works and Transportation  
Executive Office Building, 10th Floor  
101 Monroe Street, Rockville, Maryland 20850

**STAFF CONTACT:** Donald M. Ayres, Subdivision Development Section  
Land Development Division  
Department of Permitting Services  
250 Hungerford Drive, Rockville, Maryland 20850



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> RUSTIC ROADS	<b>Number</b> 21-96
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION	<b>Effective Date</b> November 26, 1996

## Section 1. Authority.

Chapter 49, Article VII, of the Montgomery County Code, 1994, as amended entitled "Rustic Roads," at Section 49-79 authorizes the following guidelines for maintenance and improvements within the rights-of-way of roads designated as rustic roads or exceptional rustic roads in the Approved and Adopted Rustic Roads Functional Master Plan, or any other Approved and Adopted Master Plan,

## Section 2. Definitions.

**Agricultural Equipment** means all farm equipment including equipment owned or utilized by non-farmers to service farms and farm related operations. This includes transport and supply trucks.

**Master Plan** means any Approved and Adopted Master Plan.

**Permittee** means any organization, individual or entity which as been granted a permit by the Department of Permitting Services to perform work within the public right-of-way.

**Significant features** means those features identified as significant by the County Council when classifying the road as a rustic road or exceptional rustic road.

## Section 3. Application Process and Eligibility Analysis:

### A. Application

A request for maintenance of, or improvements to a rustic or exceptional rustic road may be made by a farmer or other business operator, Public Agency, local citizen association, or resident in any area which is served by a rustic road. Requests must be made in writing, on an application form supplied by the Department, to the Department of Public Works and Transportation, Division of Engineering Services. Additionally, the Department may implement safety improvements to rustic roads, consistent with these guidelines. Finally, the County may require safety improvements, consistent with these guidelines, in conjunction with the development approval process.



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## B. Eligibility and Project Development

This regulation applies to any road that is designated in a master plan or shown on the Rustic Roads Interim List, Exhibit A of the Rustic Roads legislation as amended.

### 1. Citizen or Department of Public Works and Transportation Initiated Improvements

Upon receipt of a request for improvements to a rustic or exceptional rustic road, or whenever improvements are initiated by the Department of Public Works and Transportation, the Department must assess the area proposed for improvements by conducting an engineering study. The study will identify possible improvements consistent with these regulations, that are appropriate for the road.

The Rustic Roads Advisory Committee will review the Department of Public Works and Transportation proposal at their next scheduled meeting and forward comments to the Director, Department of Public Works and Transportation. Upon approval of the project by the Director of Department of Public Works and Transportation, the project will follow the current Capital Improvements Project process, including Mandatory Referral requirements.

### 2. Improvements in Conjunction with the Development Approval Process

When the County requires improvements to rustic or exceptional rustic roads in conjunction with the Development Approval Process, they must be done in accordance with these regulations. Roads on the Interim List must be submitted to the Rustic Roads Advisory Committee for their identification of significant features. As part of the Preliminary Plan submittal, an applicant must use these regulations to identify proposed modifications to rustic roads that have been identified in the Master Plan. In reviewing the Preliminary Plan, the Department of Public Works and Transportation will evaluate the proposed improvements and set requirements consistent with these regulations. Planning Board approval of the Preliminary Plan constitutes approval of the Department of Public Works and Transportation's required rustic road improvements.



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Following approval of the Preliminary Plan, the applicant must apply to the Department of Permitting Services for a permit to perform work within the right-of-way of a rustic road. The Department of Permitting Services must utilize these regulations in reviewing the proposed work.

Compatibility with master plans - The Department of Public Works and Transportation must evaluate whether the proposed plan complies with approved and adopted master plans.

#### Reclassification of Roads

Roads designated by Master Plan as rustic or exceptional rustic must be improved in accordance with these regulations. Removal of a road from the rustic roads program, or reclassification of an exceptional rustic road to a rustic road must be done by an amendment to the Master Plan of Highways.



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## Section 4. Maintenance and improvement guidelines

### I. Maintenance of Rustic and Exceptional Rustic Roads

#### A. Roadway and Bridge Maintenance

##### 1. Level of Maintenance

A rustic or exceptional rustic road will receive the level of maintenance as necessary to assure its continued viability as a transportation facility and to allow for safe travel by automobile, trucks, buses, other motorized vehicles, bicycle and agricultural equipment.

##### 2. Regular Maintenance

The rustic or exceptional rustic road classification will not exclude roads from regular maintenance.

##### 3. Winter Maintenance

Normal winter maintenance practices will be performed by the Department of Public Works and Transportation on rustic and exceptional rustic roads.

##### 4. Drainage

The Department will maintain storm drainage where necessary to prevent damage to the road or to adjacent private property, possible washouts and other problems which may be detrimental to proper safety. Maintaining storm drainage may include the removal of trees if vegetation has been allowed to grow in old drainage ditches.



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5. Bridge Repairs

The Department of Public Works and Transportation must make bridge repairs in a manner that preserves the rural characteristics of the roadway and the bridge structure.

6. Guardrail Replacement

If a guardrail is to be replaced, the Department must use a material that maintains the existing rustic appearance of the roadway. Guardrails must meet all applicable safety standards.

B. Right-of-Way Maintenance

1. Undesirable Vegetation

The Department will control undesirable vegetation in the right-of-way, as needed to assure proper maintenance and safety, through mowing, or selective cutting. When necessary, herbicides will be used in a judicious and prudent manner. Any vegetation classified as noxious vegetation under County or State law is considered undesirable and may be removed without regard to its impact on rustic roads.

2. Mowing

The Department will perform right-of-way mowing as necessary for health, safety and ecological reasons such as controlling noxious weeds. Where appropriate and feasible, maintenance activity will protect desirable vegetation adjacent to a rustic or exceptional rustic road.



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3. Tree Maintenance

The Department will perform or permit tree maintenance along rustic roads as necessary to allow safe travel by automobiles, bicycles, trucks, buses, other motorized vehicles, and agricultural equipment. Right-of-way tree removal and/or pruning will be selective and will follow good forestry and landscaping practices. To the degree possible, consistent with safety and agricultural utility, the tree canopy along a rustic road should be allowed to remain undisturbed. If pruning is not sufficient, tree removal to provide adequate sight distances and for adequate farm vehicle clearance is permitted. All tree maintenance and tree removal will be in accordance with applicable State and County tree laws.

4. Litter Control

The Department will perform litter control along rustic roads, including coordination of volunteer efforts, where feasible.

C. Signs

1. Identification of Rustic Roads and Exceptional Rustic Roads

Free standing signs identifying roads as rustic or exceptional rustic roads will not be permitted in the right-of-way. The Department of Permitting Services will submit any proposal for special signs within the right-of-way, such as those identifying a historic site or scenic opportunity, to the Rustic Roads Advisory Committee for review and comment and to the Agricultural Advisory Committee for review and comment on impacts to agricultural operations.



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2. Roadway Signs

Regulatory, warning, informational and other necessary road signs will be posted as needed on rustic roads.

D. Major Maintenance to Exceptional Rustic Roads

Whenever major maintenance, such as roadway resurfacing, bridge deck replacement or major drainage reconstruction is proposed for an exceptional rustic road, the Department of Public Works and Transportation must post public notice of such maintenance at the project site at least 30 days prior to the proposed start of work.

II. Improvements to Rustic Roads

A. General Guidelines

1. Uses

When designing improvements for rustic roads, the Department of Public Works and Transportation must consider the varying transportation needs of farmers operating agricultural equipment and transporting produce to market, as well as the needs of other motorists, bicyclists and pedestrians.

When applying for a permit to perform work within the right-of-way of rustic roads, the permit applicant must consider the varying transportation needs of farmers operating agricultural equipment and transporting produce to market, as well as the needs of other motorists, bicyclists and pedestrians.

2. Safety

No changes may be made that would diminish the safety of a rustic road below the level that existed at the time of its designation.



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B. Modification of Road Pavement and Related Structures

1. Width, Alignment and Road Surface

The width, alignment and road surface of rustic roads may only be altered to provide adequate safety, to reduce maintenance problems, to provide reasonable improvements to allow for adequate vertical or horizontal clearance or roadway pull off areas for farm equipment, or for other reasons that the Director of the Department of Public Works and Transportation or Department of Permitting Services may consider of overriding importance. Should the width, alignment or road surface of a rustic road be altered, all work shall be done in a manner as to protect the significant features which made the road eligible for its rustic designation, and design techniques and materials used shall be compatible with adjacent unaltered portions of the road. In case of relocation, the new section shall be designed to maintain compatibility with the connecting road segments.

2. Shoulders

When improving rustic roads, shoulders will be provided only if required for safety or environmental considerations, such as paving shoulders to avoid erosion.

3. Minimum Sight Distance for New Driveways, Intersections and Spot Safety Improvements

Sight distances for new driveways, intersecting roadways and safety improvements must meet the minimum standards recommended by the American Association of State Highway and Transportation Officials (AASHTO). Minimum sight distances will be 150 feet but a greater sight distance may be required based on actual roadway operating speeds. The applicant must site new driveways or intersections at a location which minimizes disturbance to significant features. In all cases, adequate sight distances will be required. In order to preserve the rustic character of the road, the Department of Permitting Services may require the permit applicant to replant trees outside the line of sight and restore other features altered to provide safe sight distances.



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4. Minimum Sight Distances - Alignment Adjustments

Vertical or horizontal roadway alignment adjustments to achieve adequate sight distances on rustic roads may be performed as needed to maintain existing safety levels. If such adjustments are required they must be designed compatible with adjacent unmodified roadway sections. The Department may waive or modify geometric criteria not directly relating to safety. In general, relocated rustic roads must have the same configuration, width and roadway surface as adjacent unaltered sections.

5. Bridge Replacement

Bridge replacement or rehabilitation must be of a design and material that is visually compatible with the rustic appearance of the road. Bridges must be replaced at a scale and with materials similar to those of the previously existing structure. If a different design is required for environmental, economic, or safety reasons, new bridges must be of a design and material that complements or enhances the rustic appearance of the roadway. Correction of substandard approach road geometrics must be made in character with existing unmodified portions of the roadway. All new or rehabilitated structures must be designed with adequate weight bearing capacity and horizontal clearances to accommodate emergency vehicles and agricultural equipment. Actual roadway surfaces on bridge decks must be compatible in width to the width of the unaltered roadway.

6. New Guardrails

New guardrails must be of a material that maintains or enhances the rustic appearance of the roadway. Placement of new guardrails must not restrict access and movement of agricultural equipment.



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C. Right-of-way Improvements

1. Utilities

Utility work within a rustic road right-of-way must conform with guidelines in this Executive Regulation. Whenever practical, roadside areas will be restored to their original condition. Pavement cutting must be minimized. If cutting is unavoidable, pavement patching must utilize materials similar to the original pavement.

2. Street Lights and Traffic Signals

Street lights and traffic signals if required, must be designed to complement the rustic nature of the road.

III. Additional Guidelines for Improvements to Exceptional Rustic Roads

A. Purpose

In order to be classified as an exceptional rustic road, a road or road segment must meet additional criteria as identified in Article VIII, Section 49-78 (c) of the County Code. Since exceptional rustic roads would be more negatively affected than rustic roads by improvements or modifications to their physical characteristics, the following additional guidelines apply to improvements to exceptional rustic roads.

B. General Guidelines

All improvements to exceptional rustic roads must protect the significant features while not limiting or restricting its primary function as a transportation facility designed to meet the needs of the approved land use of the area.



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C. Modification of Road Pavement and Related Structures

1. Width, Alignment and Road Surface

The width, alignment and road surface of exceptional rustic roads must not be altered, except to provide adequate safety, to reduce maintenance problems, or to provide reasonable improvements to allow for adequate vertical or horizontal clearance for farm equipment. Should the width, alignment or road surface of an exceptional rustic road be altered for one of the above reasons, improvements must be limited to only the work required to produce a safe and adequate roadway facility. All work must protect the significant features of the road and design techniques and materials used shall be compatible with adjacent unaltered portions of the road.

2. Minimum Sight Distances - Alignment Adjustments

Vertical or horizontal roadway alignment adjustments to achieve adequate sight distances on exceptional rustic roads shall not be done unless the Department determines that no other alternative to achieving adequate sight distance is feasible. If such adjustments are required they shall be done in such a manner as to replicate the characteristics of the adjacent unmodified roadway sections. The Department may waive or modify geometric criteria not directly relating to safety. Realigned exceptional rustic roads must have the same configuration, width and roadway surface as adjacent unaltered sections.

3. Bridge Replacement

Bridge replacement or rehabilitation must be of a design and material which preserves or enhances the rustic appearance of the road. Bridges must be replaced at a scale and with materials similar to those of the previously existing structure. If a different design is required for environmental or safety reasons, new bridges must be of a design and material that complements or enhances the rustic appearance of the road. Correction of substandard approach road geometrics shall be made in character with existing unmodified portions of the roadway. All new or rehabilitated structures must be designed with adequate weight bearing capacity and horizontal clearances to accommodate agricultural equipment. Actual roadway surfaces on bridge decks must be limited to the width of the approach lanes.



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#### IV. Waiver

The Director of the Department of Public Works and Transportation may waive the maintenance and improvement guidelines above based on a determination that compliance, though technically possible, is only achievable at an excessive cost.

#### V. Implementation of Guidelines

##### A. Responsible Agencies

The Montgomery County Department of Public Works and Transportation and Department of Permitting Services are responsible for implementation of these guidelines. All public agencies must use these guidelines when developing plans for public facilities on rustic or exceptional rustic roads.

##### B. Rustic Roads Advisory Committee

The Rustic Road Advisory Committee will provide comments to the Department of Public Works and Transportation on rustic road and exceptional rustic roads maintenance and improvement procedures.

#### VI. Effective Date

This regulation becomes effective November 26, 1996

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Douglas M. Duncan  
County Executive

APPROVED AS TO FORM AND LEGALITY.

OFFICE OF COUNTY ATTORNEY

BY   
\_\_\_\_\_

DATE 9.6.96